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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6094 OF 2006

M/s. Ghongade Exports & 2 Ors. ... Petitioners

Versus

State Bank of India ... Respondents

Mr. Girish S. Godbole for Petitioner.

Mr. Manish Desai i/by S.N. Vimadalal & Co. for Respondents.

CORAM: F.I. REBELLO &
R.V. MORE,JJ.
DATED: JANUARY 09, 2007

P.C.:

. It is the case of the Petitioner that the Respondent No.1 in terms of the policy guidelines issued by the R.B.I. for one time settlement ought to have considered their request. The Respondent Bank is before the D.R.T. for recovery of their dues. The Petitioner herein raised objection that the respondent had to consider their application for one time settlement. The learned Member of the D.R.T. proceeded on the footing that such defence would be raised on the basis that the application was rejected on the ground that the Petitioner is a willful defaulter and the benefit can not be given to a willful defaulter for One time settlement and rejected the said application. An appeal was preferred by the Petitioners herein before the

D.R.A.T. That was also dismissed. The present petition is to challenge the said order.

. There are two issues involved out of which one is that the proceedings before the D.R.T. or D.R.A.T. are independent and has nothing to do with the one time settlement. The Respondent Bank has refused the one time settlement. If the Petitioner is aggrieved by the action of the Respondent Bank in refusing the one time settlement it will be open to them to challenge the said decision in appropriate proceedings. At any rate, in so far as order of D.R.A.T. is concerned, we do not find that the order suffers from any error of law apparent on the face of the record. What the D.R.T. and D.R.A.T. has to do is to examine whether the Respondents are due and owing moneys to the Petitioner.

. With the above observations, Petition stands disposed of.

. Considering what we have set out earlier, D.R.A.T. not to proceed with the order for the period of two weeks from today.

(R.V. MORE,J.) **(F.I.REBELLO, J.)**